/198 cont./

681 614 It is with this understanding that the distribution of animals is made on such an occasion, and with it, payment is made for the pain received for any offense. On the day that such a payment is to be made, all the friends of the beneficiary arrive, reminding him of, and drawing his attention to, the information they gave him and the pain that the offense has given them. At this time the services already given to the group in the past are evaluated and possible future aid is taken into consideration. The totality of various attitudes observed at this moment is known to the Guajiro by the name of jurijoonar, which means "to be present at a distribution in order to obtain for any reason some part of it."

In Guajiro law there exists one aspect which we must consider: when the clan group does not accept joint responsibility for an infraction against the regime for social stability by one of its members.

One of the cases when the coercive action of the whole clan is /199/ shown is when an individual commits a delict of such a nature that it provokes in his own consanguineous relatives the reaction of considering him to be outside the collectivity, which signifies in fact that he is also outside Guajiro society. This was the case of the Kusina, marginal outlaws, who were slowly extinguished by all the other clan groups, who made common cause against them. They were individuals turned out of the clan organization by their own consanguineous relatives because of violations against the culture's regimen for social stability.

681 682 614 With respect to the breaking of the regimen for social stability by homicide, it is necessary to note the individual expiation that the violator is obliged to carry out. The offender submits himself voluntarily to a special regimen (1) the object of which is to make

1. Pineda Giraldo, Roberto. Aspectos de la Magia en la Guajira, Revista del Instituto Etnológico Nacional, Vol. III, Part 1, 1947. Bogotá 1950. Pages 82 and following.

/199 cont./

681 amends to a certain extent for the wrong both before his own
614 conscience and the opinion of his kin; the Guajiro murderer tries
682 by means of this expiation to avoid being again involved in an act the consequences of which have already fallen so heavily on his kin; to free himself in some way from the social coaction which his act has provoked; and most particularly to placate the dead man's spirit which from the moment of his death has followed him everywhere, crying for satisfaction and helping in the punishment of the offender. The Guajiro murderer believes so fully that he is pursued by the spirit of the murdered person that in those cases in which the author of the crime is not known, the guilty man, obsessed by such a belief, especially when he is sick, confesses his crime publicly and submits to the legal prescriptions which envelop both him and his kin.

After this regimen of expiation, the Guajiro murderer must bear the social coaction which forms all around him, expressed especially by the isolation which is imposed on him. Certain aspects of magic are connected with the murderer which oblige him to keep on the margin of society; for instance, he cannot visit sick people because he will make them worse, nor homes where there are children because they will become sick at his presence; wherever he goes he will carry with him the infuriated spirit of the dead man, which produces these evil results.

His social status goes down as an immediate consequence, and his economic position suffers considerably, because the delict of blood prohibits him from freely and efficiently exercising the productive activities which he used to perform, besides condemning him to live in exile for many long years. /page 200 is blank/

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476 give his co-operation on occasions like these, so that later, if he [625] asks for his help, he also refuses.

There is one type of communal activity carried out by the women; it is that connected with the work of chewing which they contribute in the preparation of chicha of wild yucca or of corn used at all their festivals or on the eve of male communal work. On such occasions the women's assistance is requested, and they all gather, very pleased with the work they have to do, by virtue of which once finished they receive rum or chicha as recompense, and can eat large quantities of yucca and corn cakes on the sly while they are doing their job. The two types of communal work are substantially different. The first benefits all the community or at least a clan group, while the second affects only one individual and his immediate relatives. The participation of the individual and of the family in true community work acquires in some cases the character of an obligation inherent in the position of a member of a given clan group. In others his co-operation depends on the benefit he is likely to derive from it: the use of a cemetery, wells for water supply, etc.

In the second type, on the contrary, the individual participant derives no benefit from the work in itself, but from the reciprocal co-operation that the beneficiary on that occasion must give to each of those who have helped him. To refuse to participate is [631] an infraction of a norm that may isolate the man from society. [624] What is accomplished by the co-operative work of various groups acquires for this reason a communal character in its utilization. In the second case it is individual or family private property.

For the first, the Guajiro gives his aid in labor, the loan of tools, the maintenance of laborers, the handing over of part of the construction materials, etc. For the second, he gives nothing more than his labor and the use of his tools because the maintenance of the men is the direct concern of the party benefited.

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462 Domestic work. The division of activities by sex is one of the primary classifications that can be made in La Guajira in

4: Petrullo E-5 (1935) 1937
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father's relatives who would eat the meat and drink the rum immediately, a feast to which the mother's relatives might be invited as a gesture of courtesy. The offering of rum and meat is voluntary, and even a friend may ask for something as an indication of deep personal interest in the welfare of the injured person. If the injured man makes no offering, no action is taken by anyone to make him do so, but he will acquire a 'bad name.' A Guajiro has a moral obligation to avoid shedding his own blood, but not a legal obligation. Since the father takes care of his son during his lifetime, this obligation is directed towards him and his relatives, but is extended to include any good friend.

Another example of the same distinction is the case where a son asks his father for a particular horse or object possessed by the latter, as a gift. The father is morally bound to grant the request, but there is no legal compulsion to do so. I gave a cacique a fine hunting knife which pleased him greatly. To my surprise his son was proudly wearing it the following day. On inquiring about it the cacique told me that his eldest son had asked for it. Had he refused to give it he would have been considered a bad father. The son inherits nothing from his father on the death of the latter, but while he is alive the son may beg anything within certain limits set by precedent. This moral obligation to give up a prized possession when asked for by one's sons is extended to include close friends.

Allowing the Guajiro to make their own distinctions, let us turn to a consideration of their 'laws.' The commission of certain acts, which in our society would give rise to criminal prosecution, in Guajiro society are considered matters to be settled by the parties concerned. Criminal law is practically non-existent. There is no body politic, properly speaking, that metes out punishment whether or not the injured party seeks redress, and social pressure can hardly be of any importance in a society that protects the individual through the instrument of family and caste membership. In only one case does there seem to be an approach to concerted social action. If an individual has caused his family much trouble and is incorrigible, if his family has been called upon to pay for his mis-

4: Petrullo E-5 (1935) 1937
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deeds frequently, and fears that he may bring severe disaster on his relatives, he may be killed. It is interesting to know that the individual may not necessarily be evil-intentioned.

We are accustomed to think that for an act of trespass on the person or property the injured party can recover only if the act is considered to have been intentional or negligent.[6] Among the Guajiro there is no such qualification of a tort in order to allow legal action and to recognize legal liability. The act and the injury ensuing from it are the only considerations which have any importance.

Case I: Three boys, A, B, and C, close friends, were seated on a log in the order named. B held a knife in his hand. In the spirit of play A and C attempted to take it away from him. In the good-natured scuffle that ensued A was slashed across the thigh accidentally.

The families of A, the injured party, and of B were on friendly terms. B's family immediately offered payment for the hurt done to A. Each family chose an arbiter, men known for their knowledge of law and their fairness, who granted A's family payment commensurate with the social position of A and the ability of B's family to pay: 60 sheep, 1 bull, 1 ass, a gold necklace, a horse.

Case II: Cacique A killed Cacique B through the accidental discharge of a firearm. Their families belonged to the same caste, and both being anxious to avoid armed conflict B's family agreed to accept a property composition for the tort: 100 cows, 100 horses, 7 mules, 1,000 sheep.

Case III: Cacique A killed Cacique B in a quarrel. Both families being desirous of keeping the peace and both being members of the same caste, property composition was arranged.

This case would obviously fall within the class of crimes in our society and A would have been punished irrespective of the attitude of B's family. As a matter of fact, had B's family been less important or had it belonged to the peon or slave class, A's family may not have paid anything. On the other hand had A been a peon or slave, his family would have suffered extermination at the hands of B's relatives. A's family

5: Simons K-5 (ca. 1882) 1885
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in an Appendix. With the exception of the Jirunas or Piaias, a small tribe of 200 souls all told living in the valley of Macuira between Aro-ure and Itajuro, the Guaririnas, a mere handful of Indians under the protectorate of the Jirus, the Sijuanas, Soenanas, Arapaiayáes, Simaruinas, Arauruinas, and the Arpusianas, all small local tribes, strictly confined to the upper country or east of Cabo de la Vela, the other castes are distributed throughout the breadth and width of the land in the greatest confusion. Living as the Goajiro does, in continual strife and warfare, whole families would speedily become poor or extinct, if they did not take the precaution to separate their wealth and herds, and only keep a few in one place at a time. Scarcity of water and pasture compels them to lead a nomadic life, and makes house-building out of the question, for they are eternally changing abode, now in the upper Goajira and then in the lower or plains. Some branches among the castes have, in spite of their roving propensities, predispositions for certain spots. For example, the proud and wealthy Pushainas are chiefly found round and about Paraíbi and Ataipa. Uriunas tigur Guaripa, Tuma and Bahia Honda a great deal, while near Portete, Iguanas and Epinayuas abound. In the neighbourhood of Anipana the Iguanas and Jusayuas are in great force; at the Teta nearly all are Jusayuas, and near Las Guardias at Guazaro, Sapuanas; these three latter are mostly all Cosina Indians. With respect to these terrible Cosinas, the word in Goajira signifies robber, highwayman, or outlaw. They are neither a tribe nor even a separate caste as many have supposed, but simply a band of freebooters—Indians that, for quarrels, murder, thefts, &c., have been expelled the family, and must needs take to pillaging to earn a livelihood. For self-defence, and to better ply their nefarious calling, they are banded together with recognised chiefs, and so are able to go on their marauding expeditions in great force, pouncing on any less numerous or unprepared party, to strip them of everything. One party of Cosinas will rob another if they can. Nearly all the Goajiros have relations among them, but an Indian is only safe with that band to which his relation belongs. They have commercial intercourse with them, and often succeed in getting stolen cattle back. The Cosinas' territory par excellence is the Cujaro range of hills, taking in the Teta, traversing the plains in a narrow band, and occupying the Montes of Oca as a refuge while scouring the plains. The country as far east as the Macuira range is not exempt from their depredations, especially between Chapana and the Laguna of Tucuna. The principal Cosina chiefs are Alyushipara or Yarujuna, as he frequently is called, and Uriana, and rules the country about Anipana and Yuripichu—he is the worst and most feared of the lot; Porin, an Arpushaina, another devil—he has appropriated the district of Cujaro; Mompain, a Jusayú, holds it all about the Teta; and Morejilito, a Napuana, is chief of the country about Las Guardias. Once the terror of the plains, this wild beast has

5: Simons K-5 (ca. 1882) 1885
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the site of the old Spanish settlement San Juan de Ipapa. On the west side of the Parashi Hills in the plains is another well-known central trading station Jorcy; chief, Majuté, an Ipuana; probably near the old site of the Spanish settlement Moscota. In the neighbourhood are: Guaripanturi; chief, Conocón, an Ipuana. A Dutchman from Aruba has lived here many years, and has become quite an Indian. Aipiapá, a few ranchos on an eminence commanding the whole valley. The Indians here are rather mixed, but the chief is a Pushaina. The well Kapaaiura, at the base of the hill, is the finest I saw, and surrounded with rich green vegetation similar to that of Macuira. Katunasió, the most inland station. It is generally the traders that make a rancho known, for the Indians do everything they can to keep their abodes, if not secret, at any rate as much in the dark as possible. The plains being more unsettled than the mountain district, traders do not venture to establish themselves in the interior, as at Morunay or Jorcy, so few ranchos are known. The most important place in the Lower Goajira is Guinoua, midway between Riohacha and the Venezuelan town of Las Guardias or Santa Teresa. Paraguaipoa, the new Venezuelan military colony, founded in 1882, counts already 50 houses. It is situated in the plains 12 miles in advance of Santa Teresa, which it completely covers. The garrison at present consists of 30 men, well mounted and found in every respect, under the orders of a commander, two secretaries, and two interpreters; the latter for the purpose of taking statistics as to trade, &c. Altogether it is a model establishment, and does honour to the Government of Venezuela. The entire population of the Goajira may be about 20,000; it does not exceed 25,000, and is not increasing.

As regards manners and customs and the way they enforce their old peculiar laws, these Goajiros are particularly interesting. Of course, like all Indians, they are singularly proficient in begging, stealing, and drinking, but besides these capital vices they add a fourth, that is demanding compensation, tear- or blood-money—principal cause of all the strife and blood feuds between the castes, and an everlasting danger to Indians and strangers alike. Whereas about one-quarter of the male population die a violent death from its result, another quarter are killed by drink and its effects. The laws that govern these compensation cases are very intricate, their number is legion. First is the terrible law of retribution, that makes a whole caste responsible for the acts of any single member. As the Spaniards or white men are considered by the Indians as belonging to one large family, the country is very unsafe for travelling, for every white man is a sort of hostage for the good behaviour of the others. If an Indian should be killed in a quarrel by a white man, the life of another white man, living leagues away, depends upon whether the foe (relations of the dead Indian) or a friend brings the news first. Many an innocent unconscious trader has been murdered at one end of the peninsula for a foul murder committed at the other end.

8:Armstrong & Métraux E-4 (no date) 1948
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the other. Many other cases indicate the absolute nature of *Goajiro* law and the refusal to recognise extenuating circumstances. 672

Murder is a very serious crime, and the victim's family immediately demands blood money to the amount of 200 or more cattle. For failure to pay, a member of the murderer's sib of the same rank as the victim must forfeit his life. If payment is not forthcoming retaliatory raids are made. As the defenders generally lose more people than the attackers, the feud may continue indefinitely until all the members of one sib will consider themselves at war with the members of the other, thereby spreading the war throughout the peninsula. If a feud should develop between the sib of the husband and that of the wife, the latter, with her children, will return to her own group until the trouble is over. 682 628

A person who has received a deadly insult from another is baited and chided until he takes revenge by killing the offender, in proof of which he removes the victim's viscera and takes them home. This act also prevents the victim's soul from bothering him. If unable to accomplish this he may commit suicide. Suicide is also sometimes a means of vengeance, a person feeling that he will suffer less than those who caused him to commit the act. Thus a wife who is not allowed enough freedom may hang herself. 683 762

Next to murder, one of the most serious offenses is to mention a person's true name (given at birth?) or to mention a person's name after his death. This has caused many tribal conflicts. 689

The value of the compensation demanded in disputes varies directly with the social rank of the offended party. In some cases a repeated offender may be killed by his own sib members. Sometimes, rather than to continue the warfare, hostile sibs may confer under the auspices of an outsider, such as a Capuchin monk, and draw up peace terms. In personal quarrels or minor brawls women often step in and enforce peace. 681 565 728

WARFARE

Wars between the *Goajiro* and outsiders are rare, but any White man may be held liable for the offense done by another, as all Whites are thought to belong to the same sib. Sometimes the few civilized people living in the peninsula take vengeance on the Indians, which leads to further reprisals by the latter. 721 609

At the time of De la Rosa, war was declared by sending to the other tribe an ambassador who, in a public speech, asked indemnities for damage previously done. If these were not conceded war was declared, but a brief truce was observed in order that preparations might be made. In battle each group of opposing warriors formed a semicircle and tried to surround and destroy the other. In individual encounters a *Goajiro* rode out on a horse, but, upon seeing the enemy, he dismounted and shot his own horse with an arrow to show his confidence and willingness to fight 721 726

9: Santa Cruz E-5 (1958) 1960
SC13 Goajiro SC13

The whole judiciary structure with its elaborate system of torts is based on the payment of a given number of domestic animals. There is no crime, including murder, that cannot be amiably settled by such payments (Petrullo, 1937). The acquisition of a bride is also reduced to the payment of a stipulated price, in terms of domestic animals, to be given to the maternal uncle of the girl.

Social, economic, and political status in the Guajiro society is intimately connected with the cattle complex. To have a high status an individual needs, primarily, two assets: he must possess a large number of domestic animals, in other words, he must be considered rich; and he must be an older man. If he lacks either of these requisites, he is not a leader, as he will not be sufficiently respected nor will members of his clan come to him to seek his advice. Consequently, leaders are not numerous in the Guajiro peninsula. The present writer knows only two individuals, both in Venezuela, who are today the unquestionable leaders of their respective clans. These men are Panchito Silva, of the Pushaina clan, and José de la Rosa Fernandez of the Uriana clan.

An analysis of the lives of these two men will be illustrative of the traditional methods of acquiring status among the Guajiro.

Panchito Silva, a man of about 80 years of age, lives in the native village of Sishipes in Venezuela. During his life-time he has had eight wives (two or three at a time) and now lives with his surviving two, one about 35 years old and the other about 50. He is a full-blooded Indian as has been the case of his wives. There is no trace of race mixture in his family. He has no clear idea of how many children he has had, apart from those living with him now (two men and five women). Yet he knows definitely that he has four younger brothers—who will inherit his wealth and position before these are passed on to his nephews—three sisters and twenty-five nephews and nieces (all sons and daughters of his sisters). His lack of concern towards his own children coupled with his keen interest in his nephews and nieces seems to be a clear indication of how strong the avunculate is in traditional Guajiro society. His holdings in cattle and other domestic animals are very large. Roughly he owns around 1,000 head of cattle and about 3,000 of sheep,